

IN THE DISTRICT COURT OF THE UNITED STATES FOR THE
MIDDLE DISTRICT OF ALABAMA, EASTERN DIVISION

TAMAICA HOSKINS,)	
)	
Petitioner,)	
)	CIVIL ACTION NO.
v.)	3:16cv439-MHT
)	(WO)
UNITED STATES OF AMERICA,)	
)	
Respondent.)	

OPINION

Pursuant to 28 U.S.C. § 2255, petitioner, a federal prisoner, filed this lawsuit seeking habeas relief. This lawsuit is now before the court on the recommendation of the United States Magistrate Judge that the petition be granted as to petitioner's claim that her defense attorney was ineffective for failing to file an appeal as requested by petitioner, and that her remaining claims be dismissed without prejudice. The magistrate judge further recommends that, in accordance with *United States v. Phillips*, 225 F.3d 1198, 1198 (11th Cir. 2000), the court grant petitioner

the opportunity to file an out-of-time appeal; that the court vacate the judgment against petitioner in criminal case no. 3:14cr507-MHT; that after vacating the judgment, the court reimpose the same sentence and reenter the same judgment; and that the court advise petitioner of the applicable appeal deadlines and rights. There are no objections to the recommendation. After an independent and de novo review of the record, the court concludes that the magistrate judge's recommendation should be adopted.

An appropriate judgment will be entered.

DONE, this the 27th day of June, 2019.

/s/ Myron H. Thompson
UNITED STATES DISTRICT JUDGE